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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA

FILED
DEC 18 2008
RICHARD W. WILSON
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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8 In Re.
9 DANNY GARCIA,
10 Plaintiff.

No. C 08-4039 SI (pr)

ORDER OF DISMISSAL

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12 This pro se civil action was filed on August 25, 2008, at which time the court notified
13 plaintiff in writing that the action was deficient due to the failure to pay the filing fee or furnish
14 a completed and signed court-approved in forma pauperis application. Plaintiff was advised that
15 failure to pay the fee or file the application materials within thirty days would result in dismissal
16 of the action. Plaintiff did not pay the filing fee or file an in forma pauperis application, and the
17 deadline by which to do so has passed. The action is DISMISSED without prejudice for failure
18 to pay the filing fee or submit a completed in forma pauperis application. Plaintiff may file a
19 new action, but should include a filing fee or an in forma pauperis application with a new
20 complaint to commence that new action. The clerk shall close the file.

21 IT IS SO ORDERED.
22 Dated: December 18, 2008



SUSAN ILLSTON
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DANNY GARCIA,

Case Number: CV08-04039 SI

Plaintiff,

CERTIFICATE OF SERVICE

v.

// et al,

Defendant.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 19, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Danny Garcia V-30568
Mule Creek State Prison
P.O. Box 409060
C-13-142
Ione, CA 95640

Dated: December 19, 2008

Richard W. Wiering, Clerk
By: Tracy Sutton, Deputy Clerk

